

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

Salvatore Romano pro-se
Rashale T. Well et al
Chief Justice William E. Smith

Civil Action # 1:19-CV-00370-WES-LDA
JURY TRIAL DEMANDED
pendent Jurisdiction pursuant to (331 and 1343,
Under color of STATE LAW
STATE LAW TORT CLAIMS

Motion To Recuse Judge

now comes The Plaintiff, Salvatore Romano pro-se,
and respectfully requests Chief Justice William E. Smith,
Recuse himself for the foregoing reasons:

1. Plaintiff contends, Chief Justice William E. Smith,
(From now on, Justice Smith), severely, and irreparably
Prejudiced Plaintiff Romano's case through the following
Virulent behaviors:

A. Denying every motion filed by the Plaintiff, and
refuses to answer Plaintiff's last (11) motions, and (1)
notice of Appeal.

B. Justice Smith has granted every motion, and
(5) extensions of time on Discovery, the Plaintiff asked
of the Defendants, since July 5, 2017.

C. Discovery the Attorney General's Office Prosecuted
(2) of the Plaintiff's Assailants, in this same incident,
in 2020. Then allowed the unamended, unsummonsed,
Version of this same complaint, to be copied,
and handed to Plaintiff's assailants, Attorney's
who litigated this unsummonsed complaint before
Judge Montalbano in Superior Court 250 Benefit St.
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2. Plaintiff contends Justice Smith continues to ignore his motions Filed on November 14, 2022. (1) of which was to Stay the case until such a time the Appeals run their course. As the Defence Counsel placed a (30) day Compliance demand to respond to a Discovery and Interrogatories requests, sent by Certified mail.

3. One of which was for an Extension of time to respond, as Defendants have yet to comply with Rule (16) court Order by Chief Justice Smith to relinquish all Discovery materials to Plaintiff Romano, claiming they will only release Discovery to Plaintiff's Attorney.

4. Which brings us to Plaintiff Romano's third motion on November 14, 2022. A Motion to Appoint Counsel as he is a Risk of Non-Compliance, to answer Defendants Request of him, as they refuse to Relinquish aforementioned Discovery Materials to him, and will only release them to his Lawyer.

5. Interrogatories will be based on the same Rule (16) Justice Smith's order of (9) months to comply, and relinquish to Plaintiff afore mentioned Discovery and Disseminate it as it Pertains to each Defendants Violations of Constitutional Rights, Rhode Island General Laws, under Color of State Law, and State Law TORTS Pursuant to 1331 and 1343 Pendent Jurisdiction.
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6. Plaintiff contends Justice Smith also ignores Plaintiffs (8) motions on November 28, 2022, in response to Defendants November 17, 2022 motion to Amend Scheduling Order.

7. The verry same motion the Defendants used to circumvent their Non-Compliance to Rule(16) order by Chief Justice Smith on February 11, 2022 via zoom Video.

8. Plaintiffs motions read as follows:

(1) Motion to stay this case untill Appeals run their Course.

(2) One Motion for an Extension of time to respond, as Plaintiff is a risk of Non-Compliance to respond, as Defendants refuse to comply with Justice Smiths Court order, for Defense to relinquish Discovery to Plaintiff, Discovery to apply to Interrogatories.

(3) Plaintiff's request of Court to appoint him Counsel for the following reasons:

A. Defendants refuse to relinquish Discovery materials to him, Plaintiff Romano pro-se.

B. The case is complex at issue and a Trial in this case will likely require Expert testimony from Conflicting Witnesses, which would best be litigated by Appointed Counsel.

8.

C. Plaintiff is currently at I.S.C. Protective Custody Unit, and as such has extremely limited access to Law Library resources, and in fact is confined to his Cellblock. Causing extreme hardship and prejudicing his ability to appropriately litigate this Matter.

D. Plaintiff is unable to afford counsel of his own accord, and thus far has been unable to obtain Counsel by his Self.

9. Motion for a Zoom Hearing

A. Because of Motions and Appeals Pending

B. Plaintiff feels at hardship keeping current Filed, denied Motions.

C. To determine status of Motions from both Plaintiff and Defendants, and moving forward what his legal Standing is before, or Under the Authority of this Court.

10. Motion For Injunctive Relief

A Plaintiff has been denied Medical Care for his health issues, where Endoscopy found Hyetal Hernia, an Umbilical hernia, a Colonoscopy has found Polyps. Causing Plaintiff to Vomit daily since March 2020. Almost 3 years to see Endoscopy.

10.

B. Plaintiff contends even with this new and current discovery Doctors, and Doctor Valicenti particularly, Here at I.S.C. Protective Custody Unit, refuse to discuss a treatment Plan moving forward.

C. Plaintiff suffers Daily without any form of Relief, for (2 years 8 months), where this ailment has caused Permanent harm that could have been avoided if addressed at an earlier stage and time.

This Motion goes on to Address other issues, however, the most relevant to Plaintiff is:

To issue a Temporary Injunction Protecting the Plaintiff from future injuries or reprisal until such a time Plaintiff can receive adequate Medical care, and a Court Order Stipulation where R.I.D.O.C. Follow Departmental Policy, where an inmate not allowed to work through no fault of his own, is to be treated as a fully employed inmate, earning or receiving porter pay comparable to other Protective Custody inmates, and Industrial good-time of (2 days) Per month.

11. Motion for Contempt of Court for Non-Compliance.

This motion describes (5) Pages of details, their effects on the Plaintiff, Most **IMPORTANTLY**, Defense Counsel of the Attorney General's Office Justin J. Sullivan's deliberate defiance of the rule (6) discovery order by Chief Justice Smith, to relinquish **all** Discovery materials to the Plaintiff within (9) months of Rule (6) hearing on February 11, 2022 via Zoom Video.

12. Motion Of Objection to Defendants Motion to Amend Scheduling Order.

13. Motion to Quash Defendants Motion to Amend Scheduling order.

14. Justice Smith granted Defendants second motion, to Amend thier first motion, First Motion Filed on November 1, 2022 Certified Mail to Plaintiff. Plaintiff responds November 14, 2022, Defendants file second motion to Amend Scheduling order on November 17, 2022. Plaintiff responds on November 28, 2022.

15. How is it Justice Smith responds, and grants Defendants second Motion, and Still has not responded to Plaintiff's response to the
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15. Defendants first motion, which Pre-Dates Justice Smiths text Order [39] granting the Defendants Second motion, on December 1, 2022?

16. Does Justice Smith care how blatantly obvious and Bias that is to the Plaintiff?

17. The same as Justice Smith vituperatively told Defense Counsel Justin J. Sullivan at the rule (16) hearing not once, but, twice to file for Summary **Judgement**.

18. When Plaintiff asked Chief Justice William E. Smith for a copy of the Rule (16) hearing's Disc, and transcript, Justice Smith replied it's private only for me.

19. These are most of the issues at hand Plaintiff has filed a Verified Complaint with the Judiciary Committee, Ethics Commission, and several other agencies, Pertaining to the abuse Justice Smith has inflicted upon Plaintiff Romano.

certification

I Salvatore Romano do swear under penalty of Perjury all herein is true as written on this 9TH day of December 2022.

Salvatore Romano 12/9/22.

Notice of Appeal

notice is hereby given that Plaintiff Salvador Ferrero
in the above entitled case hereby Appeal to the
United States Court of Appeals of the First Circuit
the entire Text Order granting [39] Motion to Amend ~~Sel~~ order
order deadlines, and all it entails to its entirety from
his, Chief Justice Smiths Order entered on December 1, 2022

Sel 12/28/22

Cerbido